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CHAPTER 26. CONDUCT A REEXAMINATION TEST OF AN AIRMAN UNDER TITLE 49 OF THE UNITED STATES CODE

SECTION 1. BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE: 1534

3. OBJECTIVE. The objective of this task is to determine if an airman is qualified to exercise the privileges of a particular airman certificate or rating. Completion of this task results in either no action taken against the airman's certificate or rating, or initiation of an enforcement investigation.

5. GENERAL.

- A. Authority. Under Title 49 of the United States Code (49 USC) § 44709 (formerly section 609 of the Federal Aviation Act of 1958), the Administrator is authorized to reexamine any airman at any time. Reexamination of an airman does not hinder the taking of punitive enforcement action when appropriate. When an airman fails to comply with a request for reexamination, § 44709 provides legal procedures to be followed to enforce reinspection or reexamination. Detailed information on the enforcement aspects is found in Federal Aviation Administration (FAA) Order 2150.3, Compliance and Enforcement Program.
- B. Basis for Reexamination. The reexamination of an airman on the basis of lack of competency is never to be undertaken lightly. There must be ample or probable cause for requesting the reexamination. In most cases a reexamination will result from the inspector's investigation of an accident or incident where the pilot's competence was the apparent cause of the occurrence.
- 7. BASIS OF REEXAMINATION TEST. When an inspector has sufficient reason to believe that an airman may not be qualified to exercise the privileges of a particular certificate or rating, a reexamination may be required. The inspector reaches this conclusion either through reliable reports, personal knowledge, or on the basis of evidence obtained through an accident, incident, or enforcement investigation.
- A. Notification. The inspector notifies the airman by letter (figure 26-1) that a reexamination is necessary.

The letter must be sent by certified mail and must include a return receipt.

- (1) The letter should give adequate consideration to the convenience of the airman.
- (2) The letter should not indicate in any way that the FAA considers the reexamination a punishment for an act that the airman may have committed. Instead, the letter should clearly state that, through the process of reexamination, the FAA is promoting safety in air commerce by ensuring the airman's competence.
- (3) The letter must identify the certificate or ratings for which the inspector wishes to conduct the reexamination. If appropriate, specific flight maneuvers or flight phases in a particular aircraft and crew position should be identified as questionable. For example, an airman who was involved in a directional control landing accident in a Piper PA-18 should be reexamined for competence in takeoffs and landings in either the PA-18 or another aircraft which has, in the inspector's opinion, similar landing characteristics.
- B. Contents of Reexamination Letter. The reexamination letter must specify the following:
- (1) the reasons for the reexamination (such as accident, incident, occurrence);
- (2) the specific certificate and/or rating for which the reexamination is necessary;
 - (3) the type of reexamination;
- (4) the category and class of aircraft required (if applicable);
- (5) the location of the reexamination (usually left to the airman's discretion); and
- (6) a time limit for accomplishing the reexamination (giving adequate consideration to the airman).

- C. Time Limits. Reexamination should normally take place within 15 days after receipt of the letter of notification. There may be exceptions, and the inspector should be as accommodating as possible. However, the inspector cannot allow the airman to postpone the reexamination indefinitely.
- (1) One exception would be an airman who was seriously injured and hospitalized for an extended period of time as a result of an aircraft accident. In this case the airman would obviously not be capable of operating an aircraft. The inspector should attempt to determine if the airman intends to continue piloting aircraft after recuperation. If not, or if the airman's injuries preclude performing pilot duties, the airman may wish to surrender the certificate or associated ratings voluntarily. The airman must not be coerced, and all rules of voluntary surrender must be strictly followed. If the airman does not intend to operate aircraft for a short period of time, or needs time to practice and cannot meet the 15-day deadline, the airman may temporarily deposit the certificate or associated rating at a Flight Standards District Office (FSDO) for a maximum of 30 days in accordance with the temporary deposit and reissue policy. (See volume 2, chapter 1, section 10.)
- (2) Another exception would be a situation when the inspector suspected that the airman was intending to continue to fly commercially while carrying passengers. In this case, prompt action (less than 15 days) should be taken. The airman should be given the opportunity to be reexamined immediately, or, if the airman elects not to do so, the airman may wish to surrender the certificate or associated rating voluntarily for temporary deposit at the FSDO. The airman should then be encouraged to receive dual instruction from a certificated flight instructor. If the airman finds it necessary to conduct solo practice while the airman certificate is temporarily deposited at the FSDO, the inspector may issue FAA Form 8060-4, valid for 30 days instead of 120 days. That certificate should bear all ratings previously held by the certificate holder; however, ratings for which the airman is to be reexamined must have the limitation "FOR STUDENT PILOT PURPOSES ONLY PASSENGER CARRYING PROHIBITED."

9. SPECIAL CONSIDERATIONS.

A. Handling an Airman's Response to a Reexamination Letter at an Office Other than the Requesting Office. Usually, the FSDO that requested the reexamination by letter conducts the reexamination test and follows up with any needed enforcement action. However, an airman may respond to a reexamination letter by contacting a FSDO that did not issue the letter. In such a case, the inspector at the other FSDO

must contact the FSDO that requested the reexamina-

- (1) Immediately upon scheduling a reexamination test, the inspector must inform the requesting FSDO of the appointment and request a copy of the original reexamination letter.
- (2) After completion of the reexamination test, the inspector who conducted the test at the other FSDO forwards a copy of the test results to the requesting FSDO.
- (3) If enforcement action is necessary as a result of the reexamination test, the inspector who conducted the test advises the FSDO manager. The FSDO manager contacts the manager of the requesting FSDO. The FSDO managers decide which office is responsible for carrying out the enforcement action.
- B. Airman Scheduling Appointment at a Date Later than Indicated. An airman may request an appointment for the reexamination test beyond the time limit stated in paragraph 7C of this section. However, if the delay is excessive or unjustified, the airman must either schedule the reexamination within a reasonable time, or the airman must place his or her certificate or rating on temporary deposit at the FSDO. If the airman chooses to deposit the certificate, an inspector issues a 30-day Temporary Airman Certificate with specific limitations (see figure 26-2). Volume 2, chapter 1, section 10 discusses the temporary deposit of a certificate or rating.
- C. Voluntary Downgrade or Voluntary Cancellation of Certificate or Rating. If the airman volunteers to downgrade the certificate or rating in question, the inspector issues a Temporary Airman Certificate with specific limitations (see figure 26-2). The airman may also volunteer to surrender the certificate in question for cancellation. If this occurs, the airman has no reissuance rights other than passing all knowledge and practical tests. Volume 2, chapter 1, section 10 discusses voluntary downgrades and voluntary surrender.
- D. Airman Refusal to Submit to Reexamination. If the airman fails to submit to a reexamination within a reasonable period of time (excluding unforeseen problems such as weather, mechanical problems, etc.) or demonstrates an unwillingness to submit to a reexamination, emergency enforcement action to suspend the airman's certificate shall be initiated. (See FAA Order 2150.3, chapter 8.)
- (1) The Enforcement Investigation Report need only consist of section A of FAA Form 2150-5, citing § 44709. Any documentation supporting the need for reexamination, a copy of the original notification letter sent to the airman, and any evidence of the efforts

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made to obtain voluntary reexamination should be attached. A copy of FAA Form 2150-5 shall be forwarded to the Regional Assistant Chief Counsel by the investigating FSDO through the Flight Standards Division.

- (2) The Regional Assistant Chief Counsel will issue an emergency order of suspension and appropriate certificate stop order, providing the evidence submitted is sufficient to establish that the airman is not qualified to hold the certificate or rating, or that safety in air commerce or air transportation and the public interest requires such action.
- (3) The emergency order suspends the certificate or ratings until the airman agrees to reexamination and establishes the appropriate qualifications to continue to hold the certificate and exercise its privileges.
- **11. APPLICATION FOR REEXAMINATION TEST.** The only acceptable application used for a reexamination test is FAA Form 8710-1.
- 13. INSPECTOR QUALIFICATIONS. Inspectors must be qualified in the aircraft. An inspector conducting a reexamination test shall hold the same aircraft category and class ratings that the airman is being tested on. (A designated pilot examiner shall not conduct a reexamination test.)
- **15. CONDUCT OF REEXAMINATION.** The method of reexamination should be in accordance with the appropriate Practical Test Standards (PTS) for the certificate or rating involved.
- A. Extent of Reexamination. The inspector should test the airman only in the areas specified in the letter of notification. However, if other deficient areas are noted during the reexamination, these would also be the basis for failure of the test. For example, during a reexamination when the airmanwas to be tested on the ability to recognize and recover from stalls, the inspector noted that on takeoff the airman over-rotated to a dangerously high pitch attitude, requiring the inspector to take corrective action. In this situation the reexamination should be discontinued, and the airman should be informed of failing the test because of deficient skills exhibited while en route to demonstrate the maneuvers.
- B. Special Emphasis. The inspector conducting the reexamination should consult the letter issued to the airman for the areas reexamined. Special emphasis may be placed in certain areas, such as crosswind

landing techniques after an incident or an accident occurring during a crosswind landing.

- C. Standards. The airman must meet the appropriate PTS for the certificate or rating being reexamined. The inspector can fail the airman for any maneuver or procedure in which the airman is found to be unqualified.
- D. Knowledge Reexamination. The reexamination may be conducted using an oral or knowledge test, devised by the inspector, if the area to be reexamined is one of knowledge rather than skill or flight proficiency.
- E. Reexamination in Simulators. If the airman requests that the reexamination be conducted in a simulator, the inspector must decide if the airman's qualifications can be determined in the simulator. If so, the test may be conducted in a simulator.

17. REEXAMINATION RESULTS.

- A. Airman Satisfactorily Completes Reexamination.
- (1) If the reexamination has been satisfactorily completed, and the airman's certificate had been suspended pending the reexamination test results, the inspector issues a letter of results (figure 26-3) to the airman. The FSDO forwards a copy of the letter of results to the Regional Assistant Chief Counsel, who then takes appropriate action to terminate the suspension. If the airman needs use of the certificate immediately, the Regional Assistant Chief Counsel may authorize the inspector to issue a temporary certificate that bears all ratings and limitations from the original certificate.
- (2) If the reexamination test has been satisfactorily completed, and the airman's certificate had not been suspended pending the results of the reexamination test, the inspector issues a letter of results figure 26-3). The airman may then continue to exercise the privileges of the certificate and/or ratings.
- B. Airman's Performance Unsatisfactory. The airman must be informed in detail of each deficiency. Additionally, if the airman's certificate had been temporarily deposited at the FSDO and the temporary deposit term is nearing expiration, a decision must be made to suspend the certificate or to extend the temporary deposit period for another 30 days. If, in the opinion of the inspector, the airman could successfully complete another reexamination by obtaining additional instruction, every effort must be made to encourage the airman to do so.

(1) When the inspector decides to allow the airman additional time, the inspector takes the airman's certificate for temporary deposit at the FSDO and issues a temporary certificate. The temporary certificate must have a limitation against carrying passengers and a 30-day expiration date. The airman has 30 days

in which to practice or obtain additional dual instruction before being reexamined again.

(2) If the inspector determines the airman is unable to establish qualification to hold the certificate or rating, legal enforcement action must be taken to revoke the airman's certificate and/or ratings. (See FAA Order 2150.3, chapter 8.)

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SECTION 2. PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

- A. Prerequisites. This task requires knowledge of the regulatory requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 61 and FAA policies and qualification as an aviation safety inspector (operations). Additionally, the inspector must meet certain aircraft qualification requirements as outlined in volume 2, chapter 1, section 2.
- *B. Coordination.* This task may require coordination with another FSDO, an airworthiness inspector, and/or the Regional Assistant Chief Counsel.

3. REFERENCES, FORMS, AND JOB AIDS.

- A. References.
 - 14 CFR parts 1, 13, 61, and 91
 - Title 49 of the United States Code
 - FAA Order 2150.3, Compliance and Enforcement
 - Appropriate PTS and related tasks from this handbook
 - FAA Order 8740.1, Aviation Safety Program Manager's Handbook
 - Letter of Notification of Reexamination (figure 26-1)
 - PTRS Procedures Manual (PPM)

B. Forms.

- FAA Form 8000-26, Program Tracking and Reporting Subsystem Data Sheet
- FAA Form 8060-4, Temporary Airman Certificate (figure 26-2)
- FAA Form 8710-1, Airman Certificate and/or Rating Application (figure 26-4)

C. Job Aids.

• Sample letters and figures

5. PROCEDURES.

A. Determine the Need for the Reexamination Test. Based on all available information concerning the airman's performance, determine if a reexamination test is necessary. If a reexamination test is not necessary and airman counselling would suffice, see FAA Order 8740.1, chapter 11, Counsel an Airman.

- *B. Prepare Reexamination Letter.* If a reexamination test is required, prepare and transmit the letter of notification to the airman (figure 26-1).
 - C. PTRS. Open PTRS file.
- D. Preappointment Procedures. These procedures are for use by a FSDO other than the FSDO that issued the notification letter.
- (1) When an airman calls in to schedule a reexamination test, request the following information from the airman:
- (a) the name of the office and the person who issued the reexamination letter, and the reasons for the reexamination;
- (b) the certificate and/or ratings being reexamined;
 - (c) the kind of aircraft specified;
- (d) the areas of special emphasis (if indicated); and
- (e) the time limit (date) for completing the rexamination.
- (2) Schedule the date, time, and location for the reexamination test.
- (3) Advise the airman to bring the letter of notification to the reexamination.
- (4) Request a copy of the original letter from the issuing FSDO.
- E. Schedule Appointment. Schedule a date, time, and location for the reexamination test.
- (1) Refer to the letter of notification to determine if the date the airman wishes to schedule falls within the time limit stated.
- (2) If the requested date is beyond the time limit in the letter and the delay is excessive or unjustified:
- (a) suggest that the airman make the appointment within the time limit; or
- (b) recommend that the airman place the certificate on temporary deposit. If the airman elects for temporary deposit, issue FAA Form 8060-4 figure 26-2) with appropriate limitations.

- (3) If the airman refuses to comply with either option, advise the airman that emergency, legal enforcement action will be initiated to suspend the certificate or rating.
- (a) Refer to FAA Order 2150.3 for emergency suspension procedures.
- (b) If another FSDO issued the reexamination letter, advise that FSDO of the situation. If another FSDO is handling the enforcement investigation, forward any evidence needed for the enforcement report.
- (4) When a date, time, and location have been agreed upon, advise the airman to bring the following to the appointment:
 - (a) the copy of the letter of notification;
 - (b) the airman and medical certificates;
 - (c) AA Form 8710-1;
- (d) the aircraft maintenance records, aircraft certificates, and aircraft manuals, if the reexamination test is to be conducted in an aircraft; and
- (e) any other documents necessary to establish qualification (logbooks, charts, etc.).
- (5) If another FSDO issued the letter of notification, inform that FSDO of the date, time, and location of the reexamination. If not already accomplished, request a copy of the original letter of notification.
- F. Plan the Reexamination Test. Examine the letter of notification and determine which PTS and related chapters of this handbook apply. Prepare an agenda for the reexamination appointment. Bring extra blank copies of FAA Form 8710-1 in case the airman does not have a copy or has filled it out incorrectly.
- G. Application. At the appointment, collect the airman's documents.
- (1) Compare the airman's copy of the letter of notification to the FSDO copy to determine if they are the same.
- (2) Review FAA Form 8710-1 for accuracy. (See sample, figure 26-4.)
- (a) In section I, the Reexamination box must be marked. Powered aircraft pilots must complete blocks A through V. Glider and balloon pilots must complete blocks A through X, where appropriate.
 - (b) Section II is left blank.
 - (c) Section III is optional.
 - (d) Sections IV and V must be completed.

- H. Aircraft Documents. The inspector conducting the practical test, or an airworthiness inspector, should review the aircraft maintenance records, aircraft logbook, airworthiness certificate, and aircraft registration to determine if the aircraft is airworthy and suitable for the reexamination test. After review, the documents are returned to the airman.
- *I. Verify Airman's Identity.* Inspect acceptable forms of identification to establish the airman's identity. (See volume 2, chapter 1, section 4, paragraph 5.)
- (1) If the applicant's identity cannot be verified because of insufficient or inadequate documentation, request that the applicant return with appropriate identification.
- (2) If the applicant's identity appears to be falsified, do not conduct the reexamination test. (See volume 2, chapter 182.)
- J. Discrepancies. If a discrepancy that cannot be immediately corrected exists in any of the documents, return all submitted documents to the airman. Inform the airman of the reasons why the reexamination test cannot take place, and explain how the airman may correct the discrepancy.

K. Conduct of the Test.

- (1) Review the areas to be covered in the reexamination with the airman. Resolve any questions or concerns the airman may have.
- (2) Conduct the reexamination test in accordance with the agenda, using the appropriate PTS and guidance related to the conduct of the appropriate grade of certificate and/or ratings involved in other related chapters of this handbook.
- (3) Upon completion of the test, debrief the airman immediately concerning the results and the options available to the airman.
- L. Satisfactory Reexamination. If the airman's performance was satisfactory, issue the airman a letter of results indicating satisfactory performance (see figure 26-3).
- (1) If the airman's certificate was suspended pending the results of the reexamination, send a copy of the letter of results to the Regional Assistant Chief Counsel who issued the suspension order.
- (2) If another FSDO issued the letter of notification, inform that office of the results and forward a copy of the letter of results.
- (3) If the airman's certificate was suspended pending the results of the reexamination and the airman needs to exercise the privileges of the

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suspended certificate, issue FAA Form 8060-4 with all the ratings and privileges of the original certificate.

- M. Unsatisfactory Reexamination. If the airman's performance was unsatisfactory, consider the following two options.
- (1) If the airman would be able to complete a reexamination test satisfactorily after additional instruction or practice:
- (a) have the airman place his or her certificate on temporary deposit with the FSDO;
- (b) issue FAA Form 8060-4 with the appropriate limitations and a 30-day expiration date; and
 - (c) schedule another reexamination test.
- (d) If the airman does not wish to schedule another reexamination test, suggest that the airman voluntarily downgrade the certificate or rating, or surrender the certificate or rating for cancellation. (See volume 2, chapter 1, section 10.)
- (2) If another reexamination is not in order, suggest that the airman voluntarily downgrade or voluntarily surrender the certificate or rating.
- (a) If the airman chooses to downgrade or surrender the certificate or rating, issue FAA Form 8060-4 at the next lower grade of certificate or without the rating, as applicable. Have the airman sign the appropriate affidavit as outlined in volume 2, chapter 1, section 10.
- (b) If the airman chooses to surrender the certificate or rating for cancellation, inform the airman that it can be reissued only upon passing all knowledge and practical tests.
- (3) If the airman refuses to comply with either option, advise the airman that emergency legal enforcement action will be taken to revoke the certificate or rating.
- (4) If another FSDO requested the reexamination, forward a copy of the results to that FSDO. If enforcement action is required, inform the FSDO manager so that appropriate office coordination can ensue.
- *N. Inspector's Report.* Complete the inspector's report section on the reverse side of FAA Form 8710-1 (figure 26-5).
- (1) Mark either Approved or Disapproved as appropriate to the reexamination results. If appro-

priate, cross out Temporary Certificate Issued or Disapproval Notice Issued.

- (2) Complete the block marked Certificate or Rating for Which Tested.
- (3) Complete the block marked Types of Aircraft Used.
- (4) Fill in the registration number of the aircraft.
- (5) Indicate the date of the test, sign the report, and enter the FSDO's acronym.
 - (6) Mark any attachments that are appropriate.
- (7) Attach all required documents, and forward the completed file to AFS-760.
- *O. PTRS.* Close the PTRS file. If another reexamination is planned or enforcement action is appropriate, open the appropriate PTRS file.
- (1) If the reexamination is conducted by the requesting FSDO, that office will close the PTRS file.
- (2) If the reexamination is conducted by a FSDO other than the requesting office, that FSDO will forward a copy of the results to the requesting FSDO and log the conduct of the Title 49 (formerly section 609) reexamination under PTRS Activity Code 1534. The requesting FSDO will close the PTRS file upon receipt of the test results from the office conducting the test.
- (3) In either above case, if another reexamination is planned, or enforcement action is appropriate, the FSDO responsible for taking the action will open the appropriate PTRS file for the action planned.
- **7. TASK OUTCOMES.** Completion of this task results in one of the following.
 - A. Issuance of a letter of results to the airman.
- *B.* Possible issuance of a Temporary Airman Certificate.
 - C. Possible downgrade of the airman's certificate.

9. FUTURE ACTIVITIES.

- A. Airman may return for another reexamination.
- *B.* Possible enforcement investigation in connection with the reexamination.

FIGURE 26-1 LETTER OF NOTIFICATION OF REEXAMINATION

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FAA Letterhead
[date]
[airman's name and address]
Dear [airman's name]:
Investigation of the [indicate accident, incident, occurrence, or other event that led to the reexamination], that occurred on [indicate date and time] at [indicate location], involving you as a [describe airman's role], gives reason to believe that a reexamination of your airman competency is necessary under Title 49 of the United States Code (49 USC) §44709.
Therefore, we request that you visit or telephone this office no later than 10 days from receipt of this letter to arrange for that reexamination. The reexamination will consist of appropriate [indicate grade of certificate or rating] practical test maneuvers with emphasis on [include any special emphasis items].
If you elect to take the reexamination at another Flight Standards District Office, please advise us by completing and returning the enclosed notification form in the self-addressed envelope which is enclosed for your convenience.
If you do not accept this opportunity for reexamination by the date indicated above, it will be necessary for us to start proceedings to suspend your pilot certificate unless other arrangements are made. A reasonable later date may be arranged when required by circumstances beyond your control.
Please note that the incident that occurred on [date] is still under investigation to determine whether enforcement action is appropriate. If enforcement action is to be taken, you will be advised in a separate letter.
Inspector [indicate inspector's name] is available to discuss this matter and provide any information to assist you.
Sincerely, [signed by the inspector making the report]
Flight Standards District Office Address
Dear Inspector [indicate name]:
I have made an appointment with Flight Standards District Office for reexamination at [indicate time] on [indicate date].
[signed by the airman]

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FIGURE 26-2 FAA FORM 8060-4

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FIGURE 26-3 LETTER OF RESULTS

FAA Letterhead		
[date]		

[airman's name and address]

Dear [airman's name]:

This letter is to inform you that reexamination of your ability to exercise the privileges of [indicate type of certificate or rating] conducted on [indicate date] at [indicate location] was satisfactory.

If enforcement action was pending or the airman certificate was suspended pending reexamination, inform the airman that a copy of this letter is being forwarded to the Regional Assistant Chief Counsel.

The results of this reexamination are a matter of record and will be forwarded to The Airman Records Office in Oklahoma City, OK.

Sincerely

[signed by the inspector conducting the test]

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FIGURE 26-4 FAA FORM 8710-1

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NSN: 0052-00-682-5006

FIGURE 26-5 FAA FORM 8710-1 (REVERSE SIDE)

Instructor's Recommendation I have personally instructed the applicant and consider this person ready to take the test.											
Date	li li	Certificate Exp	pires								
Air Agency's Recommendation The applicant has successfully completed ourcourse, and is											
recommended for certification or rating without further test.											
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			Expiration Date								

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